

TAB 82

----- Original Message -----

From: TOMEY SWAN

To: Kent Desormeaux ; Abad Cabassa ; David Shepherd ; Deirdre Panas ; Eddie King ; Larry Reynolds ; Ray & Dorothy Sibille ; Robbie Davis

Sent: Wednesday, May 14, 2003 8:18 PM

We are back. We are no longer a horse without a bridle. I received today the contract I signed, signed by Dr. G. I know some of the stops we imposed were hard for him to swallow, but for the betterment of the Guild, he did. We left the Giovanni Era in full support of Dr. G and the Matrix Team,(who had to learn horse racing immediately) and have been rewarded, in short order, with remarkable results. We started this relationship with G, on a pinnacle of trust and I am still firmly planted on that belief. Don't stop the freight train. Tomey Jean Swan

----- Original Message -----

From: EDWIN @ PENNY KING

To: Tomey Swan ; Robbie & Margaret Davis ; Larry Reynolds ; Kent Desormeaux ; Dorothy Sibille ; Dave Shepherd ; Abad Cabassa ; Deirde Panas

Sent: Friday, May 16, 2003 12:11 PM

Subject: Fw: ***** Urgent *****

----- Original Message -----

From: EDWIN @ PENNY KING

To: TOMEY SWAN

Sent: Thursday, May 15, 2003 11:32 PM

Subject: ***** Urgent *****

Tomey,

I have left two messages requesting a return call, reason being. Where is the million dollars that Dr. Gertmenian requested to move out of the Disabled Riders Fund.

You, Dr. Gertmenian and I are aware these funds have been moved to another account.

Dr. Gertmenian assured me what we were doing was OK. Now I am not so sure I would appreciate if you would please find out and notify me asap.

Seek third party advise.

Thank You,
Edwin L. King

----- Original Message -----

From: EDWIN @ PENNY KING

To: Tomey Swan ; Robbie & Margaret Davis ; Larry Reynolds ; Kent Desormeaux ; Johney Court ; Dave Shepherd ; Abad Cabassa

Sent: Sunday, January 18, 2004 5:11 PM

Subject: Jockey Guild Concern's

Tomey,

I am writing in regards to some questions I have concerning many things which have transpired with the Jockey's Guild.

I'm having a hard time understanding why approximately one year ago the guild did not have enough funds to hire an outside attorney for professional advice on the Jockeys Guild contract, which was **very** important to our organization. Which in the end, they basically wrote their own contract and then calls were made to Board Members for it to pass. In my opinion the contract was a more important issue than campaigning all over the country about Bobby Colton. I encouraged the investigation into the Bobbie and Deirdre case, and according to the letter that all Board Members received from Bert Fiss dated May 12, 2003 stating that on March 30th everything was found to be in proper order. Why do we continue to spend time and money on this? It is my understanding Deirdre Panas is no longer a Guild member anyway.

How long are they going to keep blaming everything that goes wrong on past mistakes? Hopefully, lessons can be learned from our mistakes and we can move forward and take responsibility for what is going on **today** with the Jockey's Guild.

I'm hearing from riders around the country that problems we have today continue to be placed on the Bobbie and Deirdre case. Such as the checks being returned as recent as October of 2003 when Bobbie has been gone since March. At some point the board needs to realize we are getting absolutely nothing out of this. Remember we didn't spend this much time on the Jockey's Guild contract. Isn't there more important issues that we could focus on, like getting contracts, retirement funds that we were advised would be put in place, and working closer with Track Management's that would benefit our Guild members more significantly than chasing dead issues. You and I had a plan two years ago and I don't know about you, but I feel we have not accomplished one thing for our members. We are back to where we started, statues in our own organization.

It was a relief when I was replaced as treasurer of the Jockeys Guild. I continue to have questions concerning where the one million dollar transfer which we, (yourself, Dr. Gertmenian, and I) signed for was moved. I have been advised by my attorney that I need this information in my records to protect myself. I would certainly think it would be in your best interest to also have this documentation.

There was one more thing that was brought to my attention, which was - that we allowed a licensed agent to carry our insurance. If this is true my agent is a former rider and I know he would be interested in getting insurance through the Jockeys Guild. I would appreciate if you would please check into this for me.

Sincerely,

Edwin L. King

cc: Ray Sibille
Abad Cabassa
Robbie Davis
Kent Desormeaux
Larry Reynolds
David Shepherd
John Court

----- Original Message -----

From: TOMEY SWAN
To: Eddie King
Sent: Sunday, January 18, 2004 8:55 PM
Subject: Re: Jockey Guild Concern's

Eddie, I just checked messages and even though the phone conference is about to begin, I wanted to respond to your email. You are right in wanting to quit throwing away money on the Bobby Colton issue. He has cost us an inordinate amount of money this past year. From flying the board to Ca. so he could show us proof of Dr. G's wrongdoing, to the continued harassment of the staff in trying to invent a case against G, to the constant berating of the Jockeys in Ca. and DE to turn against our leadership and on and on. This continual drain of having to defend ourselves has got to stop. I do not know anything about an agent being insured under our insurance program and am certain that is not true, as it is not the way it was established. However, if I find that I am wrong, I will certainly address it and find out why an exception was made--plus I will let you know. Concerning the money that we transferred, you know very well that is in a Health and Welfare Reserve acct to ensure that SaveCo would be comfortable with our self insuring. As far as saying that we have not accomplished anything, really takes me aback. I don't know where that is coming from. We are close to 1150 riders now, the confidence level from our membership is off the charts, the items that Dr. G has taught that need to be accomplished are steadily being checked off and we are (for the first time in a long time), financially stable in both the balance sheet and the profit/loss statement. Sorry if this looks hurried--probably lots of spelling and etc. errors--but wanted to get a response out before the meeting. Email me anytime--it is the best way to reach me. My best to Penny. I am not use how to do all the copies at once, so may have to send them separately. Tomey Jean

----- Original Message -----

From: EDWIN @ PENNY KING
Sent: Sunday, January 18, 2004 9:48 PM

----- Original Message -----

From: EDWIN @ PENNY KING

To: Robbie & Margaret Davis ; Kent Desormeaux ; Larry Reynolds ; Dave Shepherd ; Abad Cabassa ; TOMEY SWAN ;
asala@comcast.net ; albo9988@aol.com ; jbadilla1974@yahoo.com ; grcjoc@aol.com ; jjohnston@insightbb.com ;
wire2wire@aol.com ; ceosis@aol.com

Sent: Friday, May 28, 2004 5:50 AM

Subject: Re: Jockey Guild Concern's

Tomey,

That's great thank you for getting the call set up. Still waiting on the bank statement and deposit slip for the transfer of one million dollars in approximately January 2003, during the time I was treasure. I have requested this over and over for my records. I would appreciate what ever you can do to get these for me.

Thank you,
Eddie

----- Original Message -----

From: EDWIN @ PENNY KING

To: Robbie & Margaret Davis ; Larry Reynolds ; Kent Desormeaux ; Dave Shepherd ; Abad Cabassa ; TOMEY SWAN ;
jbadilla1974@yahoo.com ; grcjoc@aol.com ; jjohnson31@aol.com ; ceosis@aol.com ; wire2wire@aol.com

Sent: Thursday, June 10, 2004 7:21 PM

Subject: Re: Jockey Guild Concern's

Tomey,

I have not received or gotten any information regarding the conference call, would appreciate if you could please get it scheduled.

So still waiting on the documentation that has been requested numerous times, this seems to not be an important issue to anyone else, but it is to me. During the time period this transaction took place, I held the seat as treasure. I've been advised it is in my best interest to have a copy of the Bank Statement were the funds were transferred and a copy of the deposit slip.

Thank you,
Eddie

----- Original Message -----

From: TOMEY SWAN

To: EDWIN @ PENNY KING

Sent: Friday, June 11, 2004 4:40 PM

Subject: Re: Jockey Guild Concern's

We need a conference call for many reasons--however Dr. G's sister passed away unexpectedly on Tues. and so had to cancel plans to have it this week--will get it going for next week. I looked back through my notes and found what you are talking about, I think. The money that was left in the Disabled Jock acct, that we used to pay out to disabled jocks. Is that the money you mean? tj

----- Original Message -----

From: EDWIN @ PENNY KING

To: Jhoney Court ; Robbie & Margaret Davis ; Larry Reynolds ; Kent Desormeaux ; Dave Shepherd ; Abad Cabassa ;
TOMEY SWAN ; grcjoc@aol.com ; jbadilla@aol.com ; jjohnston31@insightbb.com ; wire2wire@aol.com ;
ceosis@aol.com

Sent: Friday, June 11, 2004 5:11 PM

Subject: Fw: Jockey Guild Concern's

Tomey,

The money I continue to ask about is the one million dollars that was taken out of the disabled riders fund and was to be transferred to another account. I remember very well you Dr. G and I having this conversation. This was over a year ago, I would think the Guild would still have these records. This should not be this big of an issue to get the Bank statement and deposit slip for this transaction. I am very sorry to hear about Dr. G's sister, please give him my best.

Thank you,
Eddie

----- Original Message -----

From: TOMEY SWAN
To: EDWIN @ PENNY KING
Sent: Friday, June 18, 2004 8:18 AM
Subject: Re: Jockey Guild Concern's

Since this is going to be a Senate meeting rather than just a board meeting, I am getting all kinds of requests for problems to be addressed at that time. So, in order to accommodate everyone, we need a little time to go over the info they are sending us. I have not even received some of the info riders say they are sending to me. So, we are having the conference call either 6/27 to 6/29--whichever day the most can participate. I will have you on the agenda. Thanks tjs

----- Original Message -----

From: TOMEY SWAN
To: EDWIN @ PENNY KING
Sent: Monday, September 13, 2004 9:06 AM
Subject: Re: Jockey Guild Concern's

Eddie, Did you ever get any satisfaction on this matter? tj

From: EDWIN @ PENNY KING

Date: 10/23/04 08:17:08
To: Gevork Asatryan; CA/Laffit Pincay Jr.; Early S. Fires; Tomey Jean Swan/JG/BOD; 'Abad Cabassa Jr./JG/BOD'; 'CA/Kent Desormeaux'; 'David Shepherd/JG/BOD'; 'Larry Reynolds/JG/BOD'; 'Ray Sibille/JG/BOD'; 'Robbie Davis/JG/BOD'; 'Casey Lambert/JG/BOD'
Cc: Albert Fiss/JG; L Wayne Gertmenian/JG
Subject: Re: Official Board of Directors' Meeting

Board Members and Guild Management,

I am requesting the minutes of the last two assemblies with the election process and results, and all board and senate meetings for the last two years.
Under the DOL we should have all this on file. Would appreciate if you could get this to me as soon as possible so I can review before the next assembly meeting.

Thank you,
Eddie

----- Original Message -----

From: Tomey Jean Swan
To: E.P.KING@COMCAST.NET
Sent: Saturday, October 23, 2004 6:22 PM
Subject: Re: Official Board of Directors' Meeting

Eddie and Penny,

I am sending this to you, not everyone. I have tried to stay out of this, as far as you are concerned because I believed you were sincere about your concern for Jockeys. However, these recent defamations against the Jockeys' Guild, are just too much. I work hand in hand with Dr. G and Albert. I see what most people don't see and that is their true dedication to helping riders. I just came back from a meeting with NAPRA where we gained so much strength from racing

commissioners and it was not because of me. It was because of the power that Dr. G brings to the table. We never had that before in the history of Jockeys. We can get so much accomplished--all the things that you and I used to talk about with this man at the helm. But, how long would you stand up and take this kind of personal abuse if it were you? He is doing so much for us and can do so many things, that I see happening--at least before all these negative articles--that I am amazed you are not letting it happen without causing these articles to make people think something bad is going on. How long would you keep working hard for an organization that questions your motives constantly. Ray Sibille and I are in the middle of everything constantly and we both believe Dr. G is on the right path to getting things done for Jockeys. When he took over, we were a joke. We are getting back our power now and have a chance to really get the important things done that I thought were important to you also. Then I come back from the NAPRA convention all pumped because they believed we were one voice--and realized you could not stop Jockeys if we were united--and then this. I just paid to buy the article from LATimes on the internet. Please give us a chance to go forward and trust the instincts of those who are there--for no other personal gain--and not be sucked into those that want to split us apart, for their personal reasons.

Tomey Jean Swan

From: EDWIN @ PENNY KING

Date: 10/25/04 20:50:51

To: TOMEY SWAN

Subject: response

Tomey;

Sorry it took so long to respond. I appreciate the fact that you tried to stay out of this, I am truly sorry the riders have to go through this. As to the comment of defamation, you might reread the articles again. No where in there did I defame the Guild. I stated the truth as things came forward. I never once said Dr. G. could not do the things he said he could accomplish. All I ever wanted was truth and accountability, which when we wasted \$ 2,500.00 with Steve Blitz and then listen to Dr. G. say the man didn't know what he was doing. Steve said he needed to have a conference with the board to discuss it and what did we do? We buckled to G's threat to quit. And then get to Dallas and compound the situation by giving the contract with absolutely no accountability.

I asked the office many times about the 1million, all they had to do was tell the truth. I got so many explanations I don't know what the truth actually is. Albert has explained it to me but it different then he is telling other riders around the country. The worst might be that 250,000.00 was taken from the fund and deposited into the Endowment, That is a lie! I have the bank statement saying where it came from, (Riders media account). You said in an email dated January, 18, 2004 the 1mill. was in an (Health and Welfare Reserve account to ensure that SaveCO would be comfortable with our self insuring). I don't know where you got that information but it doesn't make any sense after all the other explanations.

I want to give you an example how poorly I think Matrix has been handling the money of our riders. Well just one rider. he has been riding for about 15 years, most of them the leading rider and riding @2000 thousand a year. He received 1,600.00 when they returned our savings back to us. Now he calls and wants all his money since there really is no retirement account and they tell him he has none. Why should we not want to know what is going on. Albert did say he would get to the bottom of it, so we will be patient and give him the chance. You must not forget that we do talk to each other and when riders start hearing these sort of things they want answers yesterday.

In your letter you make reference to personal gain. I have nothing to gain. I don't want G's job or Albert's not even your position. I just want truth and accountability.

Again I apologize to the riders over this but not Dr. G. or Matrix.

Dave called the other day, I was surprised it had taken so long. He really let me have it, which I felt was good. This should not interfere with friendship even though I know some scars never heal. He demanded I resign, There is only one problem, he threatened me with a plan B. I really want to see plan B. so I've contacted a couple of labor lawyers that want to see the plan also.

You know all this would have gone away a long time ago if were more forthcoming and honest. But that is just between you and me.

Treasurer there came a ton of responsibility I didn't want I even wanted to resign but the membership pleaded with me to stay and I caved. That might be worst thing that could have happened. I tried to do the job like it was required of me by the law. The management was the largest barrier for me to accomplish the task. And now I am the bad guy. Just like

dealing with racetrack managements over bad conditions. You stick your neck out and the riders stab you in the back. All I wanted to do was make sure there money was being watched over.

We are spending way to much money and the petition for an audit should be done and by some one other than Dr. Gs' end.

Tomey, I am sorry you think I have lost focus. I think we are in the same book just different pages.

Talk to you later
Ed King

----- Original Message -----

From: Tomey Jean Swan

To: E.P.KING@COMCAST.NET

Sent: Monday, October 25, 2004 10:39 PM

Subject: Re: response

Eddie,
I don't know where to start with this. First of all, I did not mean that you were wanting any personal gain. I meant whomever you have been talking to does. I can tell you, no one wants my position. And since you said this is just between us, I'll take you at your word. I completely believe that Dr. G and Albert will accomplish the things we have wanted and needed so long for jockeys. I have had complaints and personally had problems with some of the matrix members, but G gets us lawyers pro bono. Kennedy was a tremendous liability and expense to the Guild. I don't see a Florida fiasco ever happening under G's watch and with the people he brings in when it counts. I have personally seen across the country these things happening. I know you had to have misunderstood what G said as far as the \$1 mil you keep talking about. Ray Seville, whom I believe is a completely honorable man also, believes the two accounts are accurate and as they say. I have talked many times to Dr. G when he has said something--and I have thought about it for a second--and said--wait G, that's not right, you mean this.....--and he will go, "Yeah, that's what I said". No it wasn't what he said but I have worked with him enough to know he talks and thinks on too fast a level. I don't believe he is trying to "pull" anything. The damage that was done with the articles is truly awful. We cannot be considered divided, just as so many things are happening. As far as the guys money you were talking about--did you mean Albert is checking into it--cause I certainly will also, if you want me to. I believe that you made a huge mistake for riders when you talked to the press. Not much else to say. Tomey Jean Swan

----- Original Message -----

From: EDWIN @ PENNY KING

To: ront@nbnet.nb.ca

Sent: Wednesday, October 27, 2004 10:03 PM

Subject: Conference call response

Tomey,

I want to thank you for staying on the line after the call the other night. It seems really strange that after my conversations with Dr. G., Steve, and Albert about my concern over the past year and a half that it came down to the call the other night. What might be the strangest part is that in all our conversations they never once offered the explanations that I was mistaken about the conversation between Dr. G. and myself over 1mil. And then to speak to me as if I were some piece of garbage in front of the senate and board. If that had been any one of my other employees they would have been taking a walk out the door. It needs to be explained to Dr. G. that he is our employee and not the other way around. Also if it was this simple to take care of now, was it not that simple to take care of a year ago?

When I receive all the information concerning the fund I will contact Albert and go over the numbers and also allow the accountant that is willing to do what ever we ask (pro bono) to either sit in on the call or check the information on his own I will contact you with findings which I am sure will be in order.

You know when you first started trying to become what we then called President of the Jockeys Guild, I was a strong supporter of yours and even lobbied on your behave. I have got to tell you I am very disappointed with your comments and your tone towards me. I am not Bob or Deidre. I have nothing to gain by searching out the truth. I am not trying to separate the members. All I want from our plight is what is right and just, so when it comes to my questions and concerns I expect a lot more respect.

I hope you do not find this negative for it is not meant to be.

TAB 83

[REDACTED]
[REDACTED]
From:
Sent:
To:
Subject:

[REDACTED]
[REDACTED]
[REDACTED]
Fw: Follow-up on your response to the KING inquiry and some recommendations prior to the October 12th meeting.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: EDWIN @ PENNY KING <[REDACTED]>

[REDACTED]; Alan Milstein <amilstein@sskrplaw.com>

Sent: Thu Oct 06 22:47:26 2005

Subject: Fw: Follow-up on your response to the KING inquiry and some recommendations prior to the October 12th meeting.



AGREEMENT -
Revised Guild repl...

----- Original Message -----

From: Wayne John (DDA)

To: King, Penny

Sent: Friday, September 30, 2005 9:43 AM

Subject: FW: Follow-up on your response to the KING inquiry and some recommendations prior to the October 12th meeting.

John F. Wayne
Administrator of Racing
Delaware Thoroughbred Racing Commission
Delaware Harness Racing Commission
Office: (302) 698-4600
Fax: (302) 697-4748

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From: Albert A. Fiss [mailto:afiss@jockeysguild.com]

Sent: Thursday, September 29, 2005 8:24 PM

To: Wayne John (DDA)

Subject: RE: Follow-up on your response to the KING inquiry and some recommendations prior to the October 12th meeting.

John,

Unfortunately, I am unable to meet your request as I am dealing with other issues.

As you recall, the purpose of the meeting on Oct. 12th is to discuss the future relationship between the Guild's family health plan and the Delaware Jockeys' Health and Welfare Benefit Board (DJHWBB). In addition, given the financial (cash flow) burden we are currently operating under (the Guild subsidizing the jockeys until the DJHWBB releases its funds), it is not fiscally prudent for us to add new jockeys to the plan.

Be that as it may, I think you are forgetting that the Guild is currently not under contract with the DJHWBB. Consequently, we are not in a position to offer Eddie King and his family access to the Guild health insurance plan. Lastly, given the DJHWBB's position to move in a different direction vis-à-vis health coverage for Delaware jockeys', and the Guild's inability to adjust the proposed contract to the satisfaction of the DJHWBB (and its lawyers), I think it would be wise for all the members of the board to come prepared with viable plan alternatives. That said, I am attaching the last proposed contract from the Guild for review by the DJHWBB members.

Thank you.

-----Original Message-----

From: Wayne John (DDA) [mailto: [REDACTED]]

Sent: Thursday, September 29, 2005 6:01 AM

To: Albert Fiss

Cc: Perkins Shelley (DDA)

Subject: Follow-up on your response to the KING inquiry and some recommendations prior to the October 12th meeting.

Dear Albert,

REFERENCE: EDWIN KING/PENNY KING e-mail inquiry.

Could you be so kind to provide the Delaware Jockey's Health and Welfare Benefit Board a chronological history of the case as detailed as possible with the extent of the coverage offered or denied and time periods. Please illuminate what the King's did or did not do so that they would have been covered and provide copies of all supporting documentation sent and received by the Jockey's Guild.

This information should be sent in advance of our meeting on October 12, 2005 so that it can be reviewed. In addition, a presentation from yourself and examination of the documentation would be useful in the evaluation of the circumstances.

I will also contact Mrs. King and ask her for documentation on this case and see if she is available to attend our meeting on the 12th of October.

Very truly yours,

John F. Wayne

Administrator of Racing

Delaware Thoroughbred Racing Commission

Delaware Harness Racing Commission

(302) 698-4599

(302) 697-4748 (fax)

john.wayne@state.de.us

cc: Ms. Shelley Perkins

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----- Original Message -----

From: Wayne John (DDA)

Asatryan, Gevork

Cc: Fasy, William ; estegemeier@delimporters.com ; threecherubs@aol.com ; derbydog1@cox.net ; mccarthy racing1@aol.com ; Price JoAnn (DDA) ; Albert Fiss ; Ogden Sandra (DDA)

Sent: Thursday, August 11, 2005 10:13 PM

Subject: status of letter and request for funds with BB&T, Ms. La Plant, etc.

Dear Gevork,

Just a reminder to check on the status of the letter to BB&T and the disposition of funds that were to be deducted from the account with the remaining balance forwarded to the DTRC in care of the Delaware Department of Agriculture to be deposited in the Delaware Jockey's Health and Welfare Account.

Any progress on this as of yet?

On another note, I received a telephone inquiry from Mrs. King this evening and she indicated that she had forwarded all of her forms and applications to the Jockey's Guild for inclusion in the medical plan. She advised that someone at your office, specifically, a Ms. Lisa Haley claimed that the Guild was not accepting any further policies for Delaware enrolled riders since they have not been paid by the Delaware Racing Commission. This is inaccurate since the Commission has been vigilant in requesting supporting documents from the Guild and have agreed that outstanding monies should be taken out of the trust account that holds in excess of \$528,000 plus interest.

I look forward to hearing from you about the above matters.

Sincerely,

John F. Wayne

Administrator of Racing

Delaware Thoroughbred Racing Commission

Delaware Harness Racing Commission

(302) 698-4599

(302) 697-4748 (fax)

john.wayne@state.de.us

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----- Original Message -----

From: Wayne John (DDA)

To: Asatryan, Gevork

Cc: King, Penny ; Fasy, William ; Albert Fiss ; threecherubs@aol.com ; mccarthy racing1@aol.com ; derbydog1@cox.net ; estegemeier@delimporters.com ; Murphy Patricia D. (DOJ) ; Perkins Shelley (DDA) ; Price JoAnn (DDA)

Sent: Thursday, August 18, 2005 11:04 PM

Subject: Message received that this evening, 19 August 2005 from Ms. Penny King

Dear Gevork,

I received a telephone message from Ms. King this evening rather late. From what I heard on the voice mail, she spoke with you today and was not assured that she would be able to secure medical coverage that she has been seeking for the past year. She related further on my voice mail that you told her that "the Guild was still unpaid by the Delaware Commission." This is in conflict with what I was told by Chairman Daney two days prior. He indicated that the Guild was paid \$157 K out of the BB&T trust fund account as of July 6, 2005. That amount should have made us current.

Let me clarify further that I have sent you two previous electronic correspondences that have remained unanswered. I would like to know the status of obtaining the signatures from the Directors to facilitate the return of the remaining monies to the Delaware Thoroughbred Racing Commission in care of the Delaware Department of Agriculture. Surely that action

which was promised at our last DJH&WBB meeting on July 21, 2005 in which letters were to be sent to the Directors by July 29, 2005 have been answered with their signatures authorizing transfer of the remaining funds.

As I indicated in a telephone call to you, we are anxious to move forward.

Furthermore, I do not know why the Guild is choosing to ban the King family from participating in the plan offered to all riders that have made the 50 minimum mount requirement in Delaware. Ms. King has previously advised me that she has provided the physical examination materials that the Guild required and has completed her paper work as requested. Can you tell me why they are not being covered?

I truly believe that the Delaware Thoroughbred Racing Commission is deserving of an answer to the questions that I have posed to you post haste.

Sincerely,

John F. Wayne
Administrator of Racing
Delaware Thoroughbred Racing Commission
Delaware Harness Racing Commission
(302) 698-4599
(302) 697-4748 (fax)
john.wayne@state.de.us

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----- Original Message -----

From: Gevork Asatryan

To: 'Wayne John (DDA)'

Cc: 'King, Penny'; 'Fasy, William'; 'Albert Fiss'; threecherubs@aol.com; mccarthy racing1@aol.com; derbydog1@cox.net; estegemeier@delimporters.com; 'Murphy Patricia D. (DOJ)'; 'Perkins Shelley (DDA)'; 'Price JoAnn (DDA)'

Sent: Friday, August 19, 2005 4:31 PM

Subject: RE: Message received that this evening, 19 August 2005 from Ms. Penny King

Dear John,

We are both aware that the Guild has been reimbursed for all of 2004, which includes the last payment of \$157,386. That is exactly what I have told Ms. King. I also mentioned to her several times that DTRC still has not signed an agreement with the Guild to continue the Delaware Plan and has indicated that they do not want to renew their contract with the Jockeys' Guild Health Plan. In light of their position it would not be prudent to accept non-Guild members to the plan. While I understand that this is a hardship to the King family, it cannot be avoided. Mrs. King is under the impression (and I have assured her otherwise multiple times) that her family is being singled out by the Guild.

You stated in your e-mail, *"Furthermore, I do not know why the Guild is choosing to ban the King family from participating in the plan offered to all riders that have made the 50 minimum mount requirement in Delaware."*

This is an inflammatory and accusatory statement indicating that the Guild is deliberately "banning" the King family from participating in the Delaware Plan. Actually, during our meeting in 24 February 2005, we made it very clear to all individuals present (in person or via telephone) that due to the lack of a new agreement, Guild will temporarily stop enrolling new participants into the plan. During that same meeting we received multiple comments, suggestions, and demands from the members of the DJHWBB to reinstate the King family back into the plan. It was those statements made by DJHWBB that singled out the King family. We were being asked to make exceptions by members of DJHWBB. So, please refrain from making such inflammatory comments without considering all the facts.

During our last conversation I mentioned to you that a resolution was being prepared and sent out to members of the Committee for signatures. I also remember specifically mentioning to you that these members are active jockeys and they travel around therefore it would take some time before we have all the signatures back in our office. We received the last signature on the 17th of this month and will forward them to Kathy LaPlant at BB&T this afternoon. It is important to be mindful of the fact that the Guild is under no obligation to transfer the funds to DTRC, because SB #338 does not mention

anything about funds deposited into the Jockeys' Guild Health and Welfare Fund Trust in the past. But, we have decided to agree with DTRC and its legal counsel Ms. Patricia Murphy, to act in good faith and transfer these funds to DTRC regardless. It is also important to note that as per the Trust agreement with BB&T, which was forwarded to DTRC by Ms. LaPlant, the recipient of the monies in the Trust fund must be a trust account as well. During one of her past conversations with Ms. Murphy, Ms. LaPlant was told that SB #338 supersedes provisions of the Trust Agreement and therefore it is not required for the new custodian of funds be a trust account. But, once again we chose to act in good faith, not pursue that issue any further and transfer the funds to DTRC.

It is true that we have asked Mrs. King to prepare all the necessary documents, as would be required by all health insurance providers, should the Guild be in position to enroll them into the plan. The first and foremost stipulation has been the fact that the Guild, to this day, has not received a response from DTRC regarding the new agreement, which was submitted to you on 6 June 2005.

Upon forwarding the authorized signatures to Ms. LaPlant at BB&B, the Guild will have completed all requests made by DTRC. The fact remains that DTRC still maintains its position of not signing an agreement to assure the Delaware Jockeys of subsidies allocated to them by the government.

At this point we respectfully request that DTRC provide to the Guild, in writing, whether or not DTRC intends to sign a new agreement with the Guild by 1 September 2005.

Best regards,

Gevork G. Asatryan
Controller & CFO
Jockeys' Guild, Inc.

Tel: 626-305-5605
Fax: 626-305-5615

TAB 85

Thanks
Ed King

†

----- Original Message -----

From: EDWIN @ PENNY KING

To: Albert Fiss/JG ; Abad Cabassa ; CA/Laffit Pincay Jr. ; 'Casey Lambert/JG/BOD' ; Dave Shepherd ; Early S. Fires ; Gevork Asatryan ; John Velazquez ; Johney Court ; Kent "MO" Desormeaux ; Larry Reynolds ; L Wayne Gertmenian/JG ; 'Ray Sibille/JG/BOD' ; Robbie & Margaret Davis ; TOMEY SWAN ; ront@nbnet.nb.ca ; pa555

Sent: Thursday, October 28, 2004 8:23 AM

Albert,

Last week we talked at the Meadowlands , you assured me you would not lie to me. I keep hearing 250,000.00 was taken from the Disabled Fund, the bank statement says Riders Media Account. I guess I am blind I can not find the withdrawal from the Disabled account.

Now I here the rumor that you are saying I gave financial information to the press. That could not be any farther from the truth than we are from the moon. Please tell it is only a rumor. If you are saying this please contact the people you said it to and correct it.

By now you know I did not resign from the Board and Senate. I can not believe that the management and guild employees could resort to harassment. Calling me was one thing but calling my wife when they know very well I was riding is below anything I could imagine. The Guild should be ashamed of resorting to these tactics.

Edwin L. King

TAB 86

Eddie King
113 Ramblewood Parkway
Mt. Laurel, NJ 08054
Home: 856-866-3528
Cell: 609-332-9507
e-mail: e.p.king@comcast.net

January 10, 2005

RE: MEMBERSHIP INTO DELAWARE JOCKEYS HEALTH AND WELFARE FUND WITHHELD

Edward J Stegemeier
Chairman, Delaware Jockeys Health and Welfare Fund
Commissioner, Delaware Thoroughbred Racing Commission

Dear Mr. Stegemeier,

I am writing in regards to concerns I have about the Guild's handling of my insurance through the Delaware program. I had been under the program during the 2002 – 2003 season, as of January 1st 2004, I was no longer eligible for this program because of insufficient mounts. Due to cost concerns I dropped the insurance and we were covered through my wife's employment.

During the 2004 racing season I rode enough horses to again become eligible for the program. On or around November 3rd I rode my 50th horse completing eligibility requirements. During the last week of Delaware racing I notified the Guild office and spoke to Eric South that I would like to start receiving the insurance again from the Delaware fund. At that time he faxed all the required forms to my home, which I immediately completed and returned to the guilds office. Mr. South advised me that if all the documentation was in place, this policy would take effect December 1st 2004.

I again spoke with Eric South in early December at the Guild's Annual Assembly in Texas, to see what the status with my insurance was and he stated everything was in place. Around the 20th of December I contacted Larry Saumell, the guild representative, and asked if he would check into this for me because I had not received any information that this policy was in effect. On approximately December 29th my wife and I spoke with Larry Saumell on separate calls, at this time he advised us it was under review and I needed to speak with Albert Fiss. I called the Guild office that exact day and spoke with Eric South who also informed me it was under review and I needed to speak with Albert Fiss. I left a message on Albert's cell phone that I needed to speak with him regarding my insurance. I did not receive a return phone call. On January 3rd I spoke with Earlie Fires about this matter and he advised that because of my pending lawsuits with the Jockeys Guild, Mr. Fires refused to talk to me. I would appreciate any guidance you can give me to get this issue resolved

My issues with the guild started over a year and half ago with questions regarding the Disabled Rider's Fund, including why there was disbursements to temporary disabled riders who were members of the Delaware and California state health and welfare funds. I would encourage you, as chairman of the Delaware Jockey Health and Welfare Fund, to look further into the matter that the Fund was double billed.

I appreciate you taking the time to read and respond to this letter.

Sincerely,

Edwin L. King

TAB 87

Richard M. Beck, Esquire
KLEHR, HARRISON, HARVEY, BRANZBURG & ELLERS LLP
(A Pennsylvania Limited Liability Partnership)
457 Haddonfield Road
Suite 510
Cherry Hill, NJ 08002
(856) 486-7900
Attorneys for Defendant

	:	SUPERIOR COURT OF NEW JERSEY
EDWIN L. KING, JR. and GARY W.	:	CHANCERY DIVISION
DONAHUE,	:	BURLINGTON COUNTY
	:	
Plaintiffs,	:	
	:	Civil Action
vs.	:	
	:	DOCKET NO. BUR-C-182-04
JOCKEYS' GUILD, INC., a	:	
Nevada Corporation,	:	
	:	
Defendant.	:	
	:	

DEFENDANT'S RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendant, Jockeys' Guild, Inc., responds to the first set of interrogatories propounded by Plaintiffs as follows:

I. GENERAL OBJECTIONS AND RESERVATIONS

Defendant responds and objects generally (the "General Objections") with respect to each and every interrogatory as follows:

A. Defendant objects to the Interrogatories to the extent they seek information that is protected by various privileges or immunities including, but not limited to, the attorney-client communication privilege, the attorney work product doctrine, and/or any other legally recognized privilege or immunity. If any privileged information, privileged document, or privileged information within a document is inadvertently produced or revealed, defendant does not waive or intend to waive any privilege pertaining to such information.

B. Defendant objects to the Interrogatories to the extent they seek to impose discovery obligations upon defendant that are broader than, or inconsistent with, those set forth in the New Jersey Rules of Court or other applicable law.

C. Defendant objects to the Interrogatories to the extent they call for the production of information or documents that are publicly available, that could be obtained from plaintiffs' or their counsel's files, or that are available from a source other than defendant in a less burdensome or more efficient manner.

D. No objection or limitation, or lack thereof, made in these responses and objections shall be deemed an admission by defendant as to the existence or nonexistence of information.

E. Defendant's objections and/or responses to the Interrogatories shall not be construed as an admission of the relevance, materiality, or admissibility of any such documents or of the subject matter of any such documents, or as a waiver or abridgement of any applicable privilege or of any applicable objection set forth above or below, or as an agreement that similar Interrogatories will be treated in a similar manner. Moreover, the fact that defendant responds to a particular interrogatory shall not be interpreted as implying that defendant acknowledges the propriety of the Interrogatories. Accordingly, defendant submits these objections and responses without conceding the competency, relevancy, materiality or admissibility of the subject matter of any information requested by plaintiff and defendant reserves the right, without limitation:

(a) to supplement, amend or correct all or any part of its objections or eventual responses; and

(b) to object to the admissibility in evidence of any information provided in response to the Interrogatories.

F. Defendant objects to the Interrogatories to the extent that the "Definitions and Instructions" and individual requests set forth therein attempt to expand and impose upon defendant greater burdens than permitted or required by the New Jersey Rules of Court or other applicable law, or seek to solicit information that defendant is not readily able to gather or retrieve in the ordinary course of its business operations.

G. Defendant objects to the Interrogatories because the scope of the Interrogatories extend far beyond the limited scope of this matter, which solely involves plaintiffs' entitlement to inspect defendant's records under the Labor Management Reporting and Disclosure Act (the "LMRDA") and the scope of the inspection to be allowed, if any. While defendant will make a good faith effort to respond to the Interrogatories, the Interrogatories are unrelated to the issues to be decided under the LMRDA and defendant specifically reserves its right to object to the Interrogatories on this ground. In addition, defendant objects to the Interrogatories to the extent that plaintiffs have used the Interrogatories to actually conduct the inspection under the LMRDA that they are seeking in their complaint.

II. RESPONSES TO INTERROGATORIES

1. List the full name and full mailing address of each individual who assisted in answering these Interrogatories in whole or in part.

RESPONSE: Wayne L. Gertmenian, Ph.D.

2. List the names and titles of, and describe the respective responsibilities of, every individual employed by the Guild from January 1, 1999 through the date that these Interrogatories are answered ("applicable time period"). For each individual named, provide the annual compensation, including salaries and bonuses that they received from the Guild.

RESPONSE: Objection. The question is improper. This interrogatory is overbroad, unduly burdensome and not calculated to lead to the discovery of relevant or admissible evidence. In addition, the subject matter of the interrogatory is completely unrelated to the limited scope of this matter under the LMRDA and defendant further objects to the scope of this discovery.

3. List the names and titles, and describe the respective responsibilities of, every individual employed by the business entity commonly known as Matrix Capital Associates ("Matrix") during the applicable time period. For each individual named, provide the annual compensation, including salaries and bonuses that they received from the Guild.

RESPONSE: Objection. The question is improper. This interrogatory is overbroad, unduly burdensome and not calculated to lead to the discovery of relevant or admissible evidence. In addition, the subject matter of the interrogatory is completely unrelated to the limited scope of this matter under the LMRDA and defendant further objects to the scope of this discovery.

4. List the names and titles, and describe the respective responsibilities of, every individual who has volunteered at the Guild during the applicable time period. For each individual named, specify whether the Guild has provided any form of compensation to that individual.

RESPONSE: Objection. The question is improper. This interrogatory is overbroad, unduly burdensome and not calculated to lead to the discovery of relevant or admissible evidence. In addition, the subject matter of the interrogatory is completely unrelated to the limited scope of this matter under the LMRDA and defendant further objects to the scope of this discovery.

5. Describe, in as great and complete detail as is possible, the business relationship between the Guild and Matrix. Include in this description, but do not limit this description to, the

specific services provided to the Guild by Matrix and the role of Matrix in the Guild's daily operations.

RESPONSE: The business relationship between defendant and Matrix is set forth in the terms and conditions of a Consulting Agreement that exists between defendant and Matrix. A copy of the agreement will be produced from which the answer to this interrogatory may be derived.

6. List the name and title of each individual who was involved in any way in the decision to allow the policy of insurance referenced in ¶¶ 31 and 46 of the plaintiffs' Second Amended Complaint, among other paragraphs, to lapse in 2002.

RESPONSE: The decision was made by defendant's board of directors.

7. When, how, and through what method or methods were members of the Guild notified that the policy of insurance referenced in ¶¶ 31 and 46 of the plaintiffs' Second Amended Complaint, among other paragraphs, had lapsed?

RESPONSE: After reasonable investigation, defendant is not aware of how members of defendant were notified.

8. Why, how, and under what authority did the Guild terminate its Disabled Jockey's Endowment?

RESPONSE: The Disabled Jockey's Endowment has not been terminated.

9. Describe any plan L. Wayne Gertmenian, Ph.D. ("Dr. Gertmenian"), the Guild, or Matrix had during the applicable time period to divest one million dollars (\$1,000,000.00), or any other sum, from the Disabled Jockeys' Fund ("Fund").

RESPONSE: Objection. The question is improper. This interrogatory is vague or ambiguous and defendant is not capable of responding. In addition, the subject matter of the interrogatory is completely unrelated to the limited scope of this matter under the LMRDA and defendant further

JUL-22-2005 15:22

STICKENS, ALID, INC.

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VERIFICATION

I, Wayne Germain, Ph. D., declare under the penalty of perjury, as the Chief Executive Officer Defendant, The Jockey's Guild, Inc., that the foregoing answers to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: July __, 2005

Wayne Germain
Wayne Germain, Ph.D.